ELECTION

Applicant elects, with traverse, what the Examiner has characterized as "Group I", deemed drawn to cooling and welding systems, and corresponding to claims 22-50 and 54. Additionally, Applicant elects, with traverse, what the Examiner has characterized as "Species Ia", deemed drawn to cooling systems having respective sensing devices, claims 22-39.

REMARKS

Responsive to the Office Action mailed May 11, 2006, Applicant makes the above corrected election, and sets forth the following remarks in favor of rejoinder.

The Examiner has identified two 'inventions' in the pending claims. The Examiner's classification of the 'inventions' include Group I consisting of claims 22-50 and 54 drawn to cooling and welding systems, and classified by the Examiner in class 219, subclass 137.62, and Group II consisting of claims 51-53 drawn to a controller and classified by the Examiner in class 219, subclass 130.1.

The Examiner concluded that groups I and II are distinct because they are related as combination and subcombination under MPEP § 806.05(c), which states that "inventions are distinct if it can be shown that a combination as claimed (A) does not require the particulars of the subcombination as claimed for patentability…, and (B) the subcombination can be shown to have utility either by itself or in another materially different combination." The Examiner stated that "the combination as claimed does not require the particulars of the subcombination as claimed because the cooling and welding systems would function by using a power supply controller that lacks the ability to monitor temperature and pressure, without the necessity to detect connection of the welding-type component to a cooling source." *Office Action, Mar. 17, 2006, p. 2.* Applicant respectfully disagrees.

Specifically, the controller of Group I does not lack the ability to monitor temperature and pressure as the Examiner states. For example, the welding system of claim 40 of Group I calls for, in part, a temperature sensor to provide feedback as to a temperature of coolant

circulating and a controller configured to receive a coolant temperature signal from the temperature sensor. Claim 44 of Group I calls for, in part, a pressure sensor to provide feedback as to pressure of coolant circulating and a controller further configured to receive a coolant pressure signal from the pressure sensor. Thus, the power supply controller does not lack the ability to monitor temperature and pressure.

Further, Applicant disagrees that the combination functions without the necessity to detect connection of the welding-type component to a cooling source. In particular, claim 30 of Group I calls for, in part, a sensing device positioned in relative proximity to the coolant supply outlet and configured to provide a component connection status output indicative of connection status of the welding-type component to the coolant supply outlet. Thus, the Examiner has failed to show that the combination (i.e., the cooling and welding systems) does not require the particulars of the subcombination (i.e., the controller).

The Examiner further stated that "[t]he subcombination has separate utility such as use for other types of high voltage power supplies and transformers." *Office Action supra at 2.* Applicant respectfully disagrees. The Examiner has not shown that the subcombination has utility in another materially different combination. *See MPEP § 806.05(c).* That is, the controller of claim 51 is configured, in part, to detect connection of a welding-type component to a coolant source. The Examiner has not shown that the controller configured to detect connection of a welding-type device to a coolant source has utility in a high voltage power supply or transformer system that is materially different than the systems of Group I. That is, the Examiner's example of "other types of high voltage power supplies and transformers" is not sufficiently descriptive of a materially different system. Another high voltage power supply and transformer is not in and of itself materially different than the combination of Group I.

The Examiner stated that the inventions require a different field of search. *See Office Action supra at 3.* Applicant respectfully disagrees. Claim 51 of Group II calls for a controller configured to detect connection of a welding-type component to a coolant source and, upon connection, permit circulation of coolant through the welding-type component only upon activation of the welding-type component. Claim 54 of Group II calls for a means for detecting connection of a outputting welding-type power means to a cooling means and a means for automatically circulating coolant through the welding-type power means upon activation of the

outputting welding-type power means only if the detecting means detects connection of the outputting welding-type power means to the cooling means. Any search for the claims characterized as Group II includes the claims in Group I and vice versa.

Accordingly, the Examiner's burden to show two-way distinctness and to provide reasons for insisting on the restriction has not been met.

The Examiner also required an election of species if the invention of Group I was elected. As stated above, species Ia has been elected with traverse. Applicant is compelled to identify errors associated with the Examiner's species restriction requirement.

The Examiner stated that "the differences between the disclosed species are such that each species would require a different search (e.g. a search for generic cooling systems having generic sensing devices of Species Ia would not uncover welding systems having temperature and/or pressure sensors of Species Ib). As a result, the species disclosed in the instant application are independent inventions as defined under MPEP 806.04." *Office Action supra at 3.* Applicant respectfully disagrees. Specifically, the Examiner's statement that the species require a different field of search does not show that the species are independent inventions under MPEP 806.04. In order to conclude that the species are independent inventions, the Examiner must show that the "species under a claimed genus are not connected in any of design, operation, or effect under the disclosure…." *MPEP § 806.04(b).* The Examiner failed to show that the species are not connected in any of design, operation, or effect under the disclosure. Instead, the Examiner concluded that the species are independent solely based on the statement that each species requires a different field of search. Species are not shown to be independent, however, based on a different field of search. Therefore, the Examiner failed to satisfy the burden required in making a species restriction requirement.

Further, Applicant disagrees with the Examiner's assertion that "the differences between the disclosed species are such that each species would require a different search (e.g. a search for generic cooling systems having generic sensing devices of Species Ia would not uncover welding systems having temperature and/or pressure sensors of Species Ib)." *Office Action supra at 3.* Specifically, the cooling system of Species Ia includes sensors for temperature and pressure. For example, claims 22 and 30 in Species Ia call for, in part, a sensor to monitor coolant and a

controller to monitor coolant flow based on temperature readings. Claims 29 and 39 in Species Ia call for, in part, a pressure sensor. The welding system of Species Ib includes a cooling system having a generic sensing device. In Species Ib, claim 40 calls for, in part, a welding system containing a cooler and a temperature sensor, and claim 44 calls for, in part, a welding system containing a cooler and a pressure sensor. Thus, contrary to the Examiner's statement, a search for Species Ia would uncover the systems of Species Ib.

Additionally, MPEP §808.02 states that a different field of search is shown "[w]here it is necessary to search for one of the **>inventions in a manner that is not likely to result in finding art pertinent to the other invention(s)." MPEP §808.02 further states that "[t]he indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims." However, the Examiner failed to indicate any different field of search. Instead, the Examiner merely concluded that "the inventions require a different field of search..." without providing any support or indicated different field of search. *See Office Action supra at 3.* As such, the Examiner has not shown a different field of search by appropriate explanation. *See MPEP §808.02.*

However, notwithstanding that the Examiner has failed to satisfy the burden to make a proper species restriction, Applicant believes that, at a minimum, claims 22-50 and 54 are readable on Species Ia. That is, claims 22-50 and 54 each read on a cooling system having respective sensing devices and therefore should be examined as a single species.

Claim 22 has been amended to correct antecedent basis of the controller.

For all these reasons, Applicant respectfully requests rejoinder of all claims, of each group and of each species. The Examiner is invited to call the undersigned to discuss this Election or any other matters regarding this application to further prosecution.

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